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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THE MAJESTIC STAR CASINO, LLC, an  
Indiana limited liability company,

Plaintiff,

v.

HAMBLEDON N.V., an unknown business  
entity; SMART ANSWER, S.A., an unknown  
business entity; and SUSANA GONZALES, an  
individual,

Defendants.

CASE NO: 2:10-cv-01974-GMN-RJJ

**ORDER GRANTING  
PLAINTIFF'S MOTION TO DEEM E-  
MAIL SERVICE EFFECTIVE PROCESS  
UNDER RULE 4 AS TO DEFENDANTS**

UPON CONSIDERATION of the motion filed by Plaintiff, The Majestic Star Casino, LLC ("Majestic Star") to deem e-mail service effective process as to Defendants under Rule 4 of the Federal Rules of Civil Procedure, the supporting memorandum of points and authorities, the supporting declarations and evidence, the record in this case, and for other good cause shown,

**THE COURT HEREBY FINDS THAT:**

1. Majestic Star has attempted to serve Defendants in accord with Rule 4(f) of the Federal Rules of Civil Procedure, under the Convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at the Hague ("the Hague Convention"), but was unable to effectuate service;

1           2.     Majestic Star was able to provide Defendants with notice of the instant  
2     action via e-mail, and provide electronic copies of the complaint and summons, as well as  
3     the motion for preliminary injunction, in accord with the Court's November 12, 2010  
4     Order.

5           3.     Service by e-mail is an alternative means of service reasonably calculated to  
6     provide notice to Defendants, and is an internationally agreed means of service (Fed. R.  
7     Civ. P. 4(f)(1)) or, at the very least, not prohibited by international agreement (Fed. R. Civ.  
8     P. 4(f)(2)(C)(3)).

9           4.     This Court has the authority to intervene and craft an alternative means of  
10    service under Rule 4(f) of the Federal Rules of Civil Procedure to permit service of process  
11    to be had upon elusive international defendants such as Defendants (Rio Properties, Inc. v.  
12    Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002));

13          5.     That the e-mail service effectuated upon Defendants by Majestic Star per this  
14    Court's November 12, 2010 Order was the only method of service most likely to reach  
15    Defendants, and was reasonable under the circumstances;

16          6.     The balance of hardships tips in favor of Majestic Star because the only  
17    address at which Defendants were able to be reached was their e-mail address, not their  
18    physical address; the nature of this case suggests that any further delay in the service of  
19    process will unnecessarily and unreasonably prejudice Majestic Star;

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That the service effectuated upon Defendants by Plaintiff on November 15, 2010, shall be deemed to have been an effective means of alternative service reasonably calculated to provide the Defendants with notice of the instant action.

That service via electronic mail shall be deemed effective service for the purposes  
of the instant action

  
Gloria M. Navarro  
United States District Judge